IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

WP(C).No. 2166 of 2007(G)

PETITIONER:

N.K.SILINA,
SILINA NIVAS, MUNDALORE P.O., LPSA,
MUNDALORE NEW L.P.S., P.O.MUNDALORE,
KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

3. ASSISTANT EDUCATIONAL OFFICER,
KANNUR SOUTH, KANNUR DISTRICT.

4. SMT. MANJULA RAJAN,
SHARAVANA, STATE BANK COLONY, CHETTAMKUNNU,
THALASSERY-670 101, MANAGER-IN-CHARGE,
MUNDALORE NEW L.P.SCHOOL, MUNDALORE P.O.

R1 TO R3 BY GOVT. PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 2166 OF 2007 G

Dated this the 18th January, 2007

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner is working as LPSA in an Aided LP School from 2.6.2004. Her appointment was not approved on the ground that change of management has not been granted by second respondent, Director of Public Instruction. It is stated that on the death of the approved Manager, his legal heirs executed Ext.P2 Release Deed in favour of fourth respondent and petitioner was appointed by fourth respondent. The change of management has not been approved by second respondent. As it involves change of ownership, fourth respondent has applied for change of management before second respondent. It is stated that the petitioner is working against a permanent vacancy and the post held by her is a permanent post and there is no Rule 51A or 51B claimant. It is stated that petitioner has preferred Ext.P5 Revision Petition against Ext.P4 order of third

respondent AEO, before second respondent DPI. It is stated further that both the application for change of management and Ext.P5 Revision Petition are pending. It is stated that petitioner is put to financial constraints for the last more than two years, in view of non-payment of salary and she is aggrieved by the same.

2. Heard the learned Government Pleader also. In he nature of the order that I propose to pass, it is not necessary to issue notice to fourth respondent. The Writ Petition is disposed of directing second respondent to take a decision on Ext.P5 which is seen dated 2.1.2007 in accordance with law, after hearing the affected parties, within a period of ten weeks from the date of receipt of a copy of this Judgment. Second respondent will also take a decision on the matter relating to change of management with change of property alleged to exist as evidenced by Ext.P3 without any undue delay.

K. M. JOSEPH, JUDGE

kbk.